

REMARKS

The new Examiner's attention to the application is noted with appreciation, especially in picking it up as the third Examiner concerning this matter. The initial Examiner became quite familiar with this application and Applicants feel that he benefited from a telephone interview that was conducted, and that the second Examiner erred because of lacking that gained understanding. If the current Examiner is unconvinced by this detailed explanation of the distinctions of the present invention, as claimed, from the prior art, Applicants hereby request a telephone interview.

Note that the current claim set may be found in the Amendment submitted with the Request for Continued Examination mailed August 26, 2005.

Turning to the most recent Office Action, the second Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Jacobson in view of Fields (and additionally Kelley with respect to claims 2-4, 10-12, and 18-20). The rejection is traversed in that the claims do not read on the cited combination(s).

A BRIEF SUMMARY OF THE PRESENT INVENTION, REFERRED TO AS THE DYNAMIC INDEX AND SEARCH ENGINE SERVER (DISE SERVER)

In the present invention, each user starts with a hierarchical index of, for example, the entire internet, and then customizes that index to suit their needs. They can exclude topics, rename topics, change the hierarchy of the topics, add links to any topic, etc. For purposes of illustration, a user may have an index that starts with the major topics (each with many sub-topics), such as:

Arts Movies, Television, Music...	Business Jobs, Real Estate, Investing...	Computers Internet, Software, Hardware...
Games Video Games, RPGs, Gambling...	Health Fitness, Medicine, Alternative...	Home Family, Consumers, Cooking...
Kids and Teens Arts, School Time, Teen Life...	News Media, Newspapers, Weather...	Recreation Travel, Food, Outdoors, Humor...
Reference Maps, Education, Libraries...	Regional US, Canada, UK, Europe...	Science Biology, Psychology, Physics...
Shopping Autos, Clothing, Gifts...	Society People, Religion, Issues...	Sports Baseball, Soccer, Basketball...

Figure 1

This might also be represented by folders as follows, again for illustration:



Figure 2

This user could then exclude the following topics: "Arts", "Health", "Kids and Teens", "Regional", "Shopping" and "Society". They could then rename "News" to "Current Information," rename "Recreation" to "Fun Stuff" and move the subcategory of "Basketball" (under "Sports") and the subcategory of "Computer Programming" (under "Computers") to the top level. The user would then have:

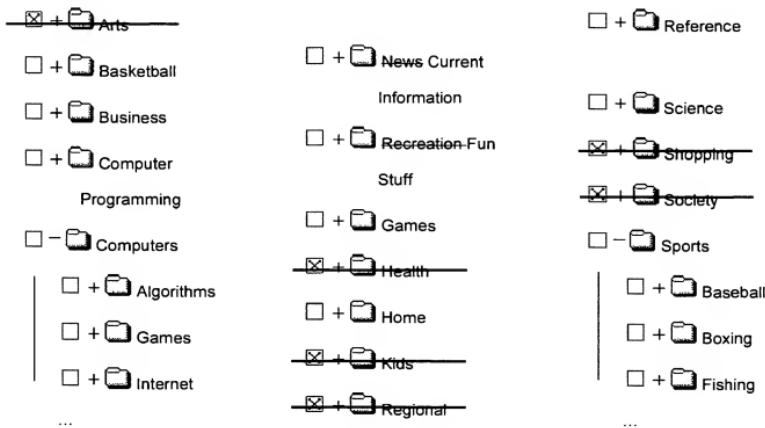


Figure 3

Or, again for illustration:

<u>Basketball</u> NCAA, NBA, Youth...	<u>Business</u> Jobs, Real Estate, Investing...	<u>Computer Programming</u> Algorithms, Chats, Education...
<u>Computers</u> Internet, Software, Hardware...	<u>Current Information</u> Media, Newspapers, Weather...	<u>Fun Stuff</u> Travel, Food, Outdoors, Humor...
<u>Games</u> Video Games, RPGs, Gambling...	<u>Home</u> Family, Consumers, Cooking...	<u>Reference</u> Maps, Education, Libraries...
<u>Science</u> Biology, Psychology, Physics...	<u>Sports</u> Baseball, Football, Soccer...	

Figure 4

Please note the differences between Figure 1 and Figure 4. The shaded topics in Figure 4 are updated from Figure 1 and other topics have been excluded.

This is just one example of how a user can rename any number of topics and subtopics, rearrange the hierarchy of topics and subtopics, and exclude topics and subtopics using the invention. And, of course, each user can customize to their heart's content their particular index served by the index server.

Once the user has customized their individual index, it will be dynamically maintained by the index server of the invention. If a web site becomes obsolete it will be automatically removed. If a new web site becomes available, it will automatically be added (e.g., if a new "NBA basketball" site is published online, it will automatically be added to the "NBA basketball" topic).

The user can then:

- (1) Have this customized, dynamic index "served" to their web site. In this manner they can have their customized web index on their own web site and it will be dynamically maintained and "served" to their web site by the present invention, the DISE server.
- (2) Perform a search on just the web sites that our included in their own index. To use the example above; after the user customized their index, a search of the index would not yield the sites under the "Arts", "Health", "Kids and Teens", "Regional", "Shopping" and "Society" areas because those topics have been excluded.

It is important to note that a user does not have to know that a web page exists for it to be included or excluded in their customized web index. A user does not need to keep track of whether a web site becomes obsolete. Any obsolete web site is automatically deleted from every user's web index. Furthermore, any new web site is automatically added without the user having to do the work.

A BRIEF SUMMARY OF JACOBSON AND HOW THE SECOND EXAMINER RELATED IT TO THE PRESENT INVENTION

In Jacobson a user can define "region-sets" that consist of web pages on the internet (called "regions"). These region-sets can then be searched. A search of the region set would yield results that fall under the "tree" for each of the web pages in the region-set. For example, a user might set up region sets of two web sites, namely att.com/page1 and qwest.com/page2. When the user searches they will only get results that fall under the tree for these two pages (e.g., att.com/page1/result1 and qwest.com/page2/foo/result2, but not att.com/AnotherPage because it does not fall under the tree). The user can define any number of these region-sets and then can create other region-sets by performing set logic on these region-sets. For example they can have a region that consists of the intersection or union of two other region-sets.

Note that in Jacobson the user not only has to know of the existence of a web site for it to be added, the user has to manually add it to a region-set. If a web site in one of their region-sets becomes

obsolete it is not automatically removed and any new web sites that should fall under a region-set are not dynamically added.

Jacobson does not disclose an "index server" (independent claims 1, 9, and 17).

The second Examiner stated that Jacobson discloses an "index server." This is not true. Nothing in Jacobson discloses a server for serving indexes to an external web site. An "index server" is a hardware/software system that **serves** an index to web pages. Software, such as JavaScript or XML, can be placed on the user's web site to receive from the index server the dynamic index on the user's web page, which is done by the present invention but not by Jacobson.

In the present invention, the user can re-customize their index at any time and the changes will automatically appear when the index is **served** to their web page. Furthermore, if a web site becomes obsolete, it is automatically removed from each user's index; if a new web site becomes available, it is dynamically added to each user's index. In this manner, each time the user's web page is accessed, the index appears with up-to-the-minute (dynamic) information.

Jacobson has nothing like an index server. It can merely list a collection of region sets to an external web page.

Jacobson does not disclose a "hierarchical plurality of topic categories" (independent claims 1, 9, and 17).

Jacobson's region-sets are one-dimensional lists of web sites. They have no hierarchy whatsoever.

Furthermore, Jacobson does not contain topic categories. The second Examiner appears to relate the region-sets to topic categories, and then attempts to relate the regions (web pages such as att.com/page1) in the region-sets to sub-topics, and then presumably relates the pages under the tree of the regions (such as att.com/page1/page2) to sub-subtopics. But this logic is an implausible and unfair

attempt to stretch Jacobson and the meaning of "hierarchy" and "topic categories" in an illogical and incorrect way. In fact, with its one-dimensional lists Jacobson teaches away from the present invention.

As shown below in the next sections, the trees of the web pages or "regions" in Jacobson are not equivalent to a web index (or a hierarchical plurality of topic categories), they are merely a collection or group of multiple web sites that may or may not even relate to one another.

Jacobson does not teach "allowing the user to rename one or more categories of the subset"
(dependent claims 5, 13, and 21).

The second Examiner appears to relate the region-sets to topic categories, and then attempts to relate the regions (web pages such as att.com/page1) in the region-sets to sub-topics, and then presumably relates the pages under the tree of the regions (such as att.com/page1/page2) to sub-subtopics.

In Jacobson, the user can rename the region-sets, but not the regions, nor the sub-regions, nor the sub-sub regions. In our invention not only can the highest level topics be renamed, but all of the topics can be renamed. So under the "Sports" topic a user can choose to rename each sport (e.g., rename "Basketball" to "BBall" and rename "Soccer" to "Futball"), then rename each topic under each sport and so on.

In order for the user to do this in Jacobson, he would not only have to be able to rename the region-sets, but regions and the trees of the regions. This is impossible since the regions in Jacobson are web sites out on the internet which neither the user nor the invention in Jacobson have control over. In other words, to give Jacobson the power that our invention has, a user of the Jacobson invention should have the ability to rename the pages of someone else's web site which is obviously not contemplated in Jacobson or even possible.

Jacobson does not teach “allowing the user to rearrange hierarchicalization of one or more categories” (dependent claims 6, 14, and 22).

To repeat, the invention in Jacobson has no hierarchy or categories. The region-sets are one-dimensional lists of web sites.

The second Examiner appears to relate the region-sets to topic categories, and then attempts to relate the regions (web pages such as att.com/page1) in the region-sets to sub-topics, and then presumably relates the pages under the tree of the regions (such as att.com/page1/page2) to sub-subtopics.

In the present invention a user can move a sub-sub-topic to the top level and can even move the top level topic “Recreation” under “Sports >> Basketball >> Professional >> NBA” (though it may not make sense to another user). In order for this to be possible in Jacobson a user would need to be able to place the att.com/page1 web site under att.com/page1/page2/page3, which is not possible.

In Jacobson, a user can only change the region-sets (which are one-dimensional lists of web pages). In Jacobson, the user has no control whatsoever over the regions themselves. The user cannot rearrange the hierarchy (or tree structure) of the regions since the regions in Jacobson are web sites on the internet that neither the user nor the invention in Jacobson control. In other words, to give Jacobson the power that our invention has, a user of Jacobson invention should have the ability to re-order the pages of someone else’s web site which is obviously not contemplated in Jacobson or even possible.

Jacobson does not teach “permitting the user ... to include or exclude subcategories” (dependent claims 7, 15, and 23).

The second Examiner appears to relate the region-sets to topic categories, and then attempts to relate the regions (web pages such as att.com/page1) in the region-sets to sub-categories, and then presumably relates the pages under the tree of the regions (such as att.com/page1/page2) to sub-subcategories.

In the present invention a user can choose to exclude any topic category, subcategory, sub-subcategory, etc. A user can include or exclude "Sports >> Basketball >> Professional >> NBA." This would not be possible in Jacobson. In Jacobson, a user can only change the region-sets (which are one-dimensional lists of web pages). In Jacobson, the user has no control whatsoever over the regions themselves. The user cannot choose to exclude any part of the hierarchy (or tree structure) of the regions since the regions in Jacobson are web sites on the internet that neither the user nor the invention in Jacobson control. To relate Jacobson to the power of our invention, a user in Jacobson would need to be able to exclude the att.com web page, keep the page att.com/page1, but exclude att.com/page1/page2. In other words, to give Jacobson the power that the present invention has, a user of Jacobson invention should have the ability to delete any number of pages of someone else's web site.

Jacobson does not teach that the user may specify any subset of the plurality of topic categories (the second element of each independent claim) "at any time, whereby the link information is dynamically updated to correspond to a new subset" (dependent claims 8, 16, and 24).

In the present invention, a user customizes a web index and then the user can choose to search only the customized web index. As discussed above the ability to exclude any topic or subtopic is very different from Jacobson and, therefore, Jacobson does not disclose or teach allowing a user to "specify any subset of the plurality of topic categories by the user at any time."

Furthermore, the user does not have to know that a web page exists for it to be included in their customized web index. A user does not need to keep track of whether a web site becomes obsolete. Any obsolete web site is automatically deleted from every user's web index. Furthermore, any new web site is automatically added without the user having to do the work. In Jacobson the user not only has to know of the existence of a web site for it to be added, the user has to manually add it to a region-set. If a web site in one of their region-sets becomes obsolete it is not automatically removed and any new web sites that should fall under a region-set are not dynamically added. Therefore, Jacobson is not dynamically

updated. In fact, in Jacobson a search could very easily be conducted of obsolete web sites or fail to search web sites that should have been included in the search.

Unlike the present invention, Jacobson does not teach "wherein the user may specify any subset of the plurality of topic categories by the user at any time, whereby the information is dynamically updated to correspond to the new subset."

Neither Fields nor Kelley cure the above noted deficiencies of Jacobson. Fields relates to a hyperlinked search interface for a distributed database involving selecting a word that is then linked to search results concerning that word. Kelley relates to web page searches in which the located web pages are stored locally, including non-HTML source code. Accordingly, all claims are patentable.

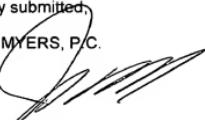
An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner, without introduction of new matter or raising new issues. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

PEACOCK MYERS, P.C.

By: _____


Jeffrey D. Myers
Reg. No. 35,964
Direct Dial: (505) 998-1502

Attorney for Applicants
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Phone: (505) 998-1500
Fax: (505) 243-2542

Customer No. 005179

G:\AMDS\Raichur\Raichur_FIN2.doc